

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35286 of 2021**

Arising Out of PS. Case No.-200 Year-2020 Thana- NASRIGANJ District- Rohtas

Awadhesh Sah @ Awadhesh Prasad Son of Late Mukhlal Sah Resident of
Village - Nasriganj, P.S.- Nasriganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 16-12-2021 Heard both parties.

The petitioner seeks bail in Nasriganj P.S. Case No.
200 of 2020, registered for the offence punishable under
Sections 17, 18, 20(B), 21(B), (C) and 22(B) of the NDPS Act.

As per the prosecution case, One KG of Ganja has
been recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that nothing
has been recovered from conscious possession of this petitioner.
The recovered Ganja is of small quantity, as such rigorous of
Section 37 of the NDPS Act, would not be attracted. Mandatory
provision of search and seizure has not been followed and
petitioner is in custody since 15.12.2020.

Learned APP however, vehemently opposed the
prayer for bail.



Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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